

REMARKS

The Office Action of October 26, 2007 has been received and its contents carefully considered.

The present Amendment cancels claim 2, and revises claim 1 to include subject matter derived from claim 2. In addition, the Amendment revises the claims where appropriate to improve their form under US claim-drafting practice and to delete unnecessary limitations.

It is noted that one modification to claim 1 is that the claim now recites "a power storage module" rather than "a plurality of capacitor modules." This shift from "plurality of" to "a" does not, of course, negate the possibility that more than one module may be present in an infringing device; however, dropping "plurality of" in favor of "a" has the advantage of improving definiteness while avoiding cumbersome claim language. The present Amendment adds a new dependent claim 11 to recite that the "power storage module" of claim 1 is "a capacitor module."

Section 5 of the Office Action rejects claim 2 (and other dependent claims) for obviousness based on a published European application of Takahashi et al in view of a US patent to Lotfy et al. These references will hereafter be called simply "Takahashi" and "Lotfy" for the sake of convenient discussion. For the reasons discussed below, it is respectfully submitted that the invention now defined by claim 1 is patentable over these references.

Claim 1 now recites "means for determining assigned voltages of" storage cells, "means for calculating an average value of the assigned voltages," and "means for equalizing the assigned voltages ... based on the average value." Claim 1 also provides that this "means for equalizing the assigned voltages" comprises a plurality of bypass circuits and "means for setting a bypass reference voltage based on the average value of the assigned voltages" of the storage cells.

The Takahashi reference discloses a system having bypass circuits to suppress charging variations. The Office Action acknowledges that Takahashi does not disclose calculating an average value of assigned voltages. The Office Action takes the position, though, that this is disclosed by Lotfy, and moreover that Lotfy discloses setting a bypass

reference voltage based on the average value of the assigned voltages. Applicants respectfully disagree.

The Office Action cites the paragraph beginning at line 43 of column 6 of Lotfy in support of its contention that the reference discloses calculating an average value of assigned voltages. This passage mentions various parameters, such as highest and lowest measured voltages or temperatures, but does not mention averages. The Office Action draws attention to two paragraphs in the middle of column 4 of Lotfy in support of its contention that Lotfy discloses setting a bypass reference voltage based on the average value of the assigned voltages. An ordinarily skilled person who read this passage, though, would not receive such a teaching.

In summary, it is respectfully submitted that Lotfy would not have provided an incentive for an ordinarily skilled person to modify Takahashi's arrangement so as to achieve the invention now defined by claim 1.

The remaining claims depend from claim 1 and recite additional limitations to further define the invention. They are therefore automatically patentable along with claim 1 and need not be further discussed.

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,



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